

Koch, Kristine

From: James McKenna <jim.mckenna@verdantllc.com>
Sent: Friday, December 19, 2014 4:24 PM
To: Koch, Kristine
Cc: Bob Wyatt (rjw@nwnatural.com); Jennifer Woronets (jworonets@anchorqea.com); Sheldrake, Sean
Subject: Re: Portland Harbor - Draft Final FS Section 1 and Appendix A

Kristine, thank you for our call earlier this afternoon during which you clarified where we are in respect to the FS revision process for Section 1. The following is my understanding of your clarification. Please let me know if I captured this correctly:

- The LWG and EPA Senior Managers resolved the modified FS revision process yesterday. To paraphrase the modified process, the LWG will have 30 days to review each section and provide a list of key issues to EPA. We will then have 15 days to attempt resolution of those issues, and the LWG can raise any of them to the Senior Managers. There is not a formal dispute opportunity for each section (which is how the previous FS revision process agreement was constructed), but the LWG preserves its rights to dispute any and all issues at the end of the FS revision process.
- For FS Section 1 we started the revision process under the previous agreement last summer, but are now finalizing it under the new revision process agreement. As such, we concluded the informal negotiations on FS Section 1 in August 2014. On August 25, 2014, EPA provided their revised draft of FS Section 1 which reflected some changes based on the informal discussions with the LWG.
- On August 29, 2014, the LWG provided our suggested edits and comments on Section 1 to EPA, and provided additional comments on September 17.
- On December 18 EPA provided their final draft of revised FS Section 1. EPA considers the informal discussions on Section 1 that took place in July and August as covering the "30 day review period" for the LWG under the new FS revision process agreement. Therefore, per the new FS revision process agreement the LWG has 15 days to identify any key issues to the Senior Managers (either as just a "heads-up" of our concerns, or as a request for the Senior Managers to resolve an issue). In your view we need not use this 15 day period to try and further resolve issues at the technical level because those issues were thoroughly vetted last summer.
- Even if the LWG does not raise an issue with Section 1 to the Senior Managers, we reserve our rights to dispute anything with Section 1 at the end of the FS revision process.

Again, please let me know if I captured this correctly. Thanks, Jim.

Sent from my iPhone

On Dec 18, 2014, at 2:19 PM, Koch, Kristine <Koch.Kristine@epa.gov> wrote:

Bob and Jim – Thank you for the input the LWG provided on EPA's modification to the Portland Harbor FS Section 1, which replaces Sections 1 and 2 of the draft FS, and Appendix A, which replaces Appendix R of the draft FS. EPA has carefully considered all comments in preparing the draft final document. Per the FS revision process modified on December 17, 2014, EPA is providing the draft final versions of FS Section 1 and Appendix A. EPA's contractor sent you the revised FS database in a separate email. We look forward to completing the remaining sections of the FS with you.

Regards,

Kristine Koch
Remedial Project Manager
USEPA, Office of Environmental Cleanup

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<2014-12-02 Proposed Final Portland Harbor FS Appendix A.docx>

<2014-12-02 Proposed Final Portland Harbor FS Section 1 - List of Figures.xlsx>

<2014-12-02 Proposed Final Portland Harbor FS Section 1- List of Tables.xlsx>

<2014-12-02 Proposed Final Portland Harbor FS Section 1.docx>